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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs and Relator,

v.

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant.

11 Civ. 0071 (PGG)

UNITED STATES OF AMERICA,

Plaintiff,

v.

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant.

DECLARATION OF CHRISTOPHER HARWOOD

I, Christopher Harwood, pursuant to the provisions of 28 U.S.C. § 1746, declare, under penalty of perjury, as follows:

1. I am an Assistant United States Attorney in the office of Geoffrey S. Berman, United States Attorney for the Southern District of New York, attorney for Plaintiff United States of America (the “Government”). I am an attorney assigned to this matter, and am familiar with the proceedings herein. I submit this declaration in support of the Government’s Cross-motion for Partial Summary Judgment and Opposition to Novartis Pharmaceuticals Corporation’s Motion for Summary Judgment.

1. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of the transcript of the deposition of Jack Augusty, dated September 8, 2016.

2. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the transcript of the deposition of Jill Baird, dated October 12, 2016.

3. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of the transcript of the deposition of Alicia Bazemore, dated September 27, 2016.

4. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of the transcript of the deposition of Nicole Bergquist, dated October 18, 2016.

5. Attached hereto as Exhibit 5 is a true and correct copy of excerpts of the transcript of the deposition of Beata Bruno, dated September 15, 2016.

6. Attached hereto as Exhibit 6 is a true and correct copy of excerpts of the transcript of the deposition of Molly Campbell, dated September 27, 2016.

7. Attached hereto as Exhibit 7 is a true and correct copy of excerpts of the transcript of the deposition of Cynthia Cetani, dated September 30, 2016.

8. Attached hereto as Exhibit 8 is a true and correct copy of excerpts of the transcript of the deposition of Jamie Chen, dated October 7, 2016.

9. Attached hereto as Exhibit 9 is a true and correct copy of excerpts of the transcript of the deposition of Michael Contreras, dated September 23, 2016.

10. Attached hereto as Exhibit 10 is a true and correct copy of excerpts of the transcript of the deposition of Maribeth Di Pinto-Moss, dated September 23, 2016.

11. Attached hereto as Exhibit 11 is a true and correct copy of excerpts of the transcript of the deposition of Anne Duvall, dated October 25, 2016.

12. Attached hereto as Exhibit 12 is a true and correct copy of excerpts of the transcript of the deposition of John Heintschel, dated October 8, 2016.

13. Attached hereto as Exhibit 13 is a true and correct copy of excerpts of the transcript of the deposition of David Hollasch, dated November 29, 2016.

14. Attached hereto as Exhibit 14 is a true and correct copy of excerpts of the transcript of the deposition of Philip Hom, dated October 7, 2016.

15. Attached hereto as Exhibit 15 is a true and correct copy of excerpts of the transcript of the deposition of Mark Iwicki, dated October 19, 2016.

16. Attached hereto as Exhibit 16 is a true and correct copy of excerpts of the transcript of the deposition of Troy King, dated October 20, 2016.

17. Attached hereto as Exhibit 17 is a true and correct copy of excerpts of the transcript of the deposition of Kevin Lake, dated October 14, 2016.

18. Attached hereto as Exhibit 18 is a true and correct copy of excerpts of the transcript of the deposition of Lisa Nawrocki, dated October 21, 2016.

19. Attached hereto as Exhibit 19 is a true and correct copy of excerpts of the transcript of the deposition of Natalie Nelson-Ling, dated October 21, 2016.

20. Attached hereto as Exhibit 20 is a true and correct copy of excerpts of the transcript of the deposition of Richard Pennino, dated October 16, 2016.

21. Attached hereto as Exhibit 21 is a true and correct copy of excerpts of the transcript of the deposition of Lindsey Peterson, dated October 4, 2016.

22. Attached hereto as Exhibit 22 is a true and correct copy of excerpts of the transcript of the deposition of Lisa Pilla, dated January 10, 2017.

23. Attached hereto as Exhibit 23 is a true and correct copy of excerpts of the transcript of the deposition of Martins Putenis, dated October 26, 2016.

24. Attached hereto as Exhibit 24 is a true and correct copy of excerpts of the transcript of the deposition of Alicia Rivera, dated October 2, 2016.

25. Attached hereto as Exhibit 25 is a true and correct copy of excerpts of the transcript of the deposition of Catherine Robinson, dated September 30, 2016.

26. Attached hereto as Exhibit 26 is a true and correct copy of excerpts of the transcript of the deposition of Eduard Tsymerman, dated September 9, 2016.

27. Attached hereto as Exhibit 27 is a true and correct copy of excerpts of the transcript of the deposition of Michelle Williams, dated September 9, 2016.

28. Attached hereto as Exhibit 28 is a true and correct copy of the declaration of Alexander Shteiman, dated September 22, 2016.

29. Attached hereto as Exhibit 29 is a true and correct copy of the declaration of Alicia Rivera, dated August 14, 2016.

30. Attached hereto as Exhibit 30 is a true and correct copy of the declaration of Beata Bruno, dated July 28, 2016.

31. Attached hereto as Exhibit 31 is a true and correct copy of the declaration of Berge Dadourian, dated August 25, 2016.

32. Attached hereto as Exhibit 32 is a true and correct copy of the declaration of Deanna Smith-Whittaker, dated August 9, 2016.

33. Attached hereto as Exhibit 33 is a true and correct copy of the declaration of Elaine Turcan, dated November 17, 2016.

34. Attached hereto as Exhibit 34 is a true and correct copy of the amended declaration of Frank Palmisano, dated September 22, 2016.

35. Attached hereto as Exhibit 35 is a true and correct copy of the declaration of Frank Palmisano, dated August 3, 2016.

36. Attached hereto as Exhibit 36 is a true and correct copy of the declaration of Friedrich Von Bun, dated August 9, 2016.

37. Attached hereto as Exhibit 37 is a true and correct copy of the declaration of Jack Augusty, dated August 10, 2016.

38. Attached hereto as Exhibit 38 is a true and correct copy of the declaration of James Burks, dated December 13, 2016.

39. Attached hereto as Exhibit 39 is a true and correct copy of the declaration of Jennifer Confort, dated October 4, 2016.

40. Attached hereto as Exhibit 40 is a true and correct copy of the declaration of Karen Alleyne-Means.

41. Attached hereto as Exhibit 41 is a true and correct copy of the declaration of Leslie Baker, dated October 14, 2016.

42. Attached hereto as Exhibit 42 is a true and correct copy of the declaration of Mark Bordley, dated October 27, 2016.

43. Attached hereto as Exhibit 43 is a true and correct copy of the declaration of Michelle Williams, dated August 10, 2016.

44. Attached hereto as Exhibit 44 is a true and correct copy of the declaration of Nancy Shepard, dated August 29, 2016.

45. Attached hereto as Exhibit 45 is a true and correct copy of the declaration of Navor Rivas, dated October 13, 2016.

46. Attached hereto as Exhibit 46 is a true and correct copy of the declaration of Nicholas DeFilippis, dated September 30, 2016.

47. Attached hereto as Exhibit 47 is a true and correct copy of the declaration of Philip Hom, dated August 31, 2016.

48. Attached hereto as Exhibit 48 is a true and correct copy of the declaration of Rachel Bennington, dated November 3, 2016.

49. Attached hereto as Exhibit 49 is a true and correct copy of the declaration of Richard Garcia, dated November 7, 2016.

50. Attached hereto as Exhibit 50 is a true and correct copy of the declaration of Rick Pumill, dated October 28, 2016.

51. Attached hereto as Exhibit 51 is a true and correct copy of the declaration of Stanley Goldman, dated August 18, 2016.

52. Attached hereto as Exhibit 52 is a true and correct copy of the declaration of Steven Mull, dated October 27, 2016.

53. Attached hereto as Exhibit 53 is a true and correct copy of the declaration of Susan Condrin Shields, dated October 24, 2016.

54. Attached hereto as Exhibit 54 is a true and correct copy of the declaration of Thelma Linda S. Lamorena, dated August 10, 2016.

55. Attached hereto as Exhibit 55 is a true and correct copy of the declaration of Thomas Kosola, dated August 23, 2016.

56. Attached hereto as Exhibit 56 is a true and correct copy of the declaration of Richard Cassoff, dated August 10, 2016.

57. Attached hereto as Exhibit 57 is a true and correct copy of the declaration of Walter Watkin, dated August 4, 2016.

58. Attached hereto as Exhibit 58 is a true and correct copy of Medicare Enrollment Application CMS-855I, dated April 2006, bearing Bates number NOVARTIS-USAO-0140000.

59. Attached hereto as Exhibit 59 is a true and correct copy of Medicare Enrollment Application CMS-855I, dated July 2011, bearing Bates number NOVARTIS-USAO-0140146.

60. Attached hereto as Exhibit 60 is a true and correct copy of the 2005-2006 Contract with Approved Entity Pursuant to Sections 1860D-1 through 1860D-42 of the Social Security Act for the Operation of a Voluntary Medicare Prescription Drug Plan, bearing Bates number NOVARTIS-USAO-0139654.

61. Attached hereto as Exhibit 61 is a true and correct copy of the 2007 Contract with Approved Entity Pursuant to Sections 1860D-1 through 1860D-42 of the Social Security Act for the Operation of a Voluntary Medicare Prescription Drug Plan, bearing Bates number NOVARTIS-USAO-0139679.

62. Attached hereto as Exhibit 62 is a true and correct copy of the 2008 Contract with Approved Entity Pursuant to Sections 1860D-1 through 1860D-42 of the Social Security Act for the Operation of a Voluntary Medicare Prescription Drug Plan, bearing Bates number NOVARTIS-USAO-0139704.

63. Attached hereto as Exhibit 63 is a true and correct copy of the 2009 Contract with Approved Entity Pursuant to Sections 1860D-1 through 1860D-42 of the Social Security Act for the Operation of a Voluntary Medicare Prescription Drug Plan, bearing Bates number NOVARTIS-USAO-0139739.

64. Attached hereto as Exhibit 64 is a true and correct copy of the 2010 Contract with Approved Entity Pursuant to Sections 1860D-1 through 1860D-42 of the Social Security Act for the Operation of a Voluntary Medicare Prescription Drug Plan, bearing Bates number NOVARTIS-USAO-0139879.

65. Attached hereto as Exhibit 65 is a true and correct copy of the 2011 Contract with Approved Entity Pursuant to Sections 1860D-1 through 1860D-42 of the Social Security Act for the Operation of a Voluntary Medicare Prescription Drug Plan, bearing Bates number NOVARTIS-USAO-0139918.

66. Attached hereto as Exhibit 66 is a true and correct copy of the Pharmacy Benefit Management Services Agreement between WellPoint, Inc., and Express Scripts, Inc., dated December 1, 2009, bearing Bates number NOVARTIS-USAO-0140420.

67. Attached hereto as Exhibit 67 is a true and correct copy of Express Scripts Inc., Pharmacy Provider Agreement, bearing Bates number NOVARTIS-USAO-0140666.

68. Attached hereto as Exhibit 68 is a true and correct copy of the Express Scripts Inc., Exhibit A – Retail Providers, Medicare Part D Addendum to the Express Scripts, Inc. Pharmacy Provider Agreement, bearing Bates number NOVARTIS-USAO-0162217.

69. Attached hereto as Exhibit 69 is a true and correct copy of the Caremark Provider Agreement, bearing Bates number NOVARTIS-USAO-0162451.

70. Attached hereto as Exhibit 71 is a true and correct copy of the Professional Provider Agreement Tricare Program, Agreement between Health Net Federal Services, Inc. and Provider, revised January 15, 2005, bearing Bates number NOVARTIS-USAO-0138912.

71. Attached hereto as Exhibit 72 is a true and correct copy of the Professional Provider Agreement Tricare Program Agreement, Agreement between Health Net Federal Services, Inc. and Provider, revised February 16, 2005, bearing Bates number NOVARTIS-USAO-0138929.

72. Attached hereto as Exhibit 73 is a true and correct copy of the Professional Provider Agreement Tricare Program Agreement, Agreement between Health Net Federal Services, Inc. and Provider, revised November 18, 2005, bearing Bates number NOVARTIS-USAO-0138983.

73. Attached hereto as Exhibit 74 is a true and correct copy of the Professional Provider Agreement Tricare Program Agreement, Agreement between Health Net Federal Services, Inc. and Provider, revised September 1, 2006, bearing Bates number NOVARTIS-USAO-0138947.

74. Attached hereto as Exhibit 75 is a true and correct copy of the Professional Provider Agreement Tricare Program Agreement, Agreement between Health Net Federal

Services, Inc. and Provider, revised October 23, 2006, bearing Bates number NOVARTIS-USAO-0138965.

75. Attached hereto as Exhibit 76 is a true and correct copy of the Professional Provider Agreement Tricare Program Agreement, Agreement between Health Net Federal Services, Inc. and Provider, revised March 20, 2007, bearing Bates number NOVARTIS-USAO-0139024.

76. Attached hereto as Exhibit 77 is a true and correct copy of the Professional Provider Agreement Tricare Program Agreement, Agreement between Health Net Federal Services, Inc. and Provider, revised August 18, 2010, bearing Bates number NOVARTIS-USAO-0139042.

77. Attached hereto as Exhibit 78 is a true and correct copy of the Professional Provider Agreement Tricare Program Agreement, Agreement between Health Net Federal Services, Inc. and Provider, revised March 11, 2011, bearing Bates number NOVARTIS-USAO-0139004.

78. Attached hereto as Exhibit 79 is a true and correct copy of the Express Scripts Network Provider Manual, dated December 2008, bearing Bates number NOVARTIS-USAO-0139179.

79. Attached hereto as Exhibit 80 is a true and correct copy of the Express Scripts Network Provider Manual, dated July 2009, bearing Bates number NOVARTIS-USAO-0139097.

80. Attached hereto as Exhibit 82 is a true and correct copy of the Express Scripts Network Provider Manual, dated January 2011, bearing Bates number NOVARTIS-USAO-0139129.

81. Attached hereto as Exhibit 83 is a true and correct copy of the Express Scripts Network Provider Manual, dated September 2011, bearing Bates number NOVARTIS-USAO-0139151.

82. Attached hereto as Exhibit 84 is a true and correct copy of Form CMS-64, dated December 31, 2001, bearing Bates number NOVARTIS-USAO-0181146.

83. Attached hereto as Exhibit 85 is a true and correct copy of Form CMS-64, dated December 31, 2005, bearing Bates number NOVARTIS-USAO-0181390.

84. Attached hereto as Exhibit 86 is a true and correct copy of Form CMS-64, dated December 31, 2009, bearing Bates number NOVARTIS-USAO-0181642.

85. Attached hereto as Exhibit 87 is a true and correct copy of Form CMS-64, dated December 31, 2002, bearing Bates number NOVARTIS-USAO-0181207.

86. Attached hereto as Exhibit 88 is a true and correct copy of Form CMS-64, dated December 31, 2006, bearing Bates number NOVARTIS-USAO-0181453.

87. Attached hereto as Exhibit 89 is a true and correct copy of the Form CMS-64, dated December 31, 2003, bearing Bates number NOVARTIS-USAO-0181268.

88. Attached hereto as Exhibit 90 is a true and correct copy of the Form CMS-64, dated December 31, 2004, bearing Bates number NOVARTIS-USAO-0181329.

89. Attached hereto as Exhibit 91 is a true and correct copy of the Form CMS-64, dated December 31, 2007, bearing Bates number NOVARTIS-USAO-0181516.

90. Attached hereto as Exhibit 92 is a true and correct copy of the Form CMS-64, dated December 31, 2008, bearing Bates number NOVARTIS-USAO-0181579.

91. Attached hereto as Exhibit 93 is a true and correct copy of the Form CMS-64, dated December 31, 2010, bearing Bates number NOVARTIS-USAO-0181725.

92. Attached hereto as Exhibit 94 is a true and correct copy of the Form CMS-37, Fiscal Year 2001, bearing Bates number NOVARTIS-USAO-0180992.

93. Attached hereto as Exhibit 95 is a true and correct copy of the Form CMS-37, Fiscal Year 2005, bearing Bates number NOVARTIS-USAO-0181052

94. Attached hereto as Exhibit 96 is a true and correct copy of the Form CMS-37, Fiscal Year 2009, bearing Bates number NOVARTIS-USAO-0181112.

95. Attached hereto as Exhibit 97 is a true and correct copy of the Form CMS-37, Fiscal Year 2002, bearing Bates number NOVARTIS-USAO-0181007.

96. Attached hereto as Exhibit 98 is a true and correct copy of the Form CMS-37, Fiscal Year 2003, bearing Bates number NOVARTIS-USAO-0181022.

97. Attached hereto as Exhibit 99 is a true and correct copy of the Form CMS-37, Fiscal Year 2004, bearing Bates number NOVARTIS-USAO-0181037.

98. Attached hereto as Exhibit 100 is a true and correct copy of the Form CMS-37, Fiscal Year 2007, bearing Bates number NOVARTIS-USAO-0181082.

99. Attached hereto as Exhibit 101 is a true and correct copy of the Form CMS-37, Fiscal Year 2008, bearing Bates number NOVARTIS-USAO-0181097.

100. Attached hereto as Exhibit 102 is a true and correct copy of the Form CMS-37, Fiscal Year 2009, bearing Bates number NOVARTIS-USAO-0181129.

101. Attached hereto as Exhibit 103 is a true and correct copy of the Expert Report of Stan Rosenstein, dated August 13, 2017.

102. Attached hereto as Exhibit 104 is a true and correct copy of the Expert Report of Stanley Schneller, dated August 3, 2017.

103. Attached hereto as Exhibit 105 is a true and correct copy of the Expert Report of Graham McMahon, dated August 14, 2017.

104. Attached hereto as Exhibit 106 is a true and correct copy of the Expert Report of Richard E Goldberg.

105. Attached hereto as Exhibit 108 is a true and correct copy of the Expert Report of Daniel McFadden, dated August 14, 2017.

106. Attached hereto as Exhibit 110 is a true and correct copy of the Rebuttal Report of Daniel McFadden, dated February 7, 2018.

107. Attached hereto as Exhibit 111 is a true and correct copy of the Expert Report of Virginia B. Evans, dated August 14, 2017.

108. Attached hereto as Exhibit 113 is a true and correct copy of the Center for Drug Evaluation and Research Approvable Letter for Diovan HCT, dated February 20, 1996.

109. Attached hereto as Exhibit 114 is a true and correct copy of the Center for Drug Evaluation and Research Approval Letter for Exforge, dated April 30, 2009.

110. Attached hereto as Exhibit 115 is a true and correct copy of the Center for Drug Evaluation and Research Approval Letter for Tekturna HCT.

111. Attached hereto as Exhibit 116 is a true and correct copy of the Deposition of Julie Kane, dated October 18, 2016.

112. Attached hereto as Exhibit 117 is a true and correct copy of the Deposition of Paul Rabideau, dated October 27, 2016.

113. Attached hereto as Exhibit 118 is a true and correct copy of an email produced by Novartis, dated March 7, 2007, bearing Bates number NPCLSV_LIT002302141.

114. Attached hereto as Exhibit 119 is a true and correct copy of an email produced by Novartis, dated May 8, 2007, bearing Bates number NPCLSV_LIT002167672.

115. Attached hereto as Exhibit 122 is a true and correct copy of an email produced by Novartis, dated March 7, 2007, bearing Bates number NPCLSV_LIT002302141.

116. Attached hereto as Exhibit 123 is a true and correct copy of an email produced by Novartis, dated March 19, 2010, bearing Bates number NPCLSV_LIT003691464.

117. Attached hereto as Exhibit 124 is a true and correct copy of an email produced by Novartis, dated June 12, 2006, bearing Bates number NPCLSV_LIT006732601.

118. Attached hereto as Exhibit 125 is a true and correct copy of an email produced by Novartis, dated August 20, 2006, bearing Bates number NPCLSV_LIT001103337.

119. Attached hereto as Exhibit 126 is a true and correct copy of an email produced by Novartis, dated July 31, 2005, bearing Bates number NPCLSV_LIT001821021.

120. Attached hereto as Exhibit 127 is a true and correct copy of a document entitled “Meetings & Events Project Team Status Update,” dated August 2004, produced by Novartis, bearing Bates number NPCLSV_LIT002102717.

121. Attached hereto as Exhibit 128 is a true and correct copy of an email produced by Novartis, dated February 1, 2006, bearing Bates number NPCLSV_LIT002291932.

122. Attached hereto as Exhibit 129 is a true and correct copy of an email produced by Novartis, dated August 24, 2004, bearing Bates number NPCLSV_LIT002319285.

123. Attached hereto as Exhibit 130 is a true and correct copy of an email produced by Novartis, dated October 1, 2004, bearing Bates number NPCLSV_LIT002672075.

124. Attached hereto as Exhibit 131 is a true and correct copy of an email produced by Novartis, dated September 27, 2006, bearing Bates number NPCLSV_LIT004274264.

125. Attached hereto as Exhibit 132 is a true and correct copy of an email produced by Novartis, dated January 31, 2004, bearing Bates number NPCLSV_LIT004281539.

126. Attached hereto as Exhibit 134 is a true and correct copy of an email produced by Novartis, dated January 26, 2005, bearing Bates number NPCLSV_LIT005660961.

127. Attached hereto as Exhibit 135 is a true and correct copy of an email produced by Novartis, dated August 15, 2006, bearing Bates number NPCLSV_LIT005668348.

128. Attached hereto as Exhibit 136 is a true and correct copy of an email produced by Novartis, dated March 3, 2006, bearing Bates number NPCLSV_LIT002188102.

129. Attached hereto as Exhibit 137 is a true and correct copy of an email produced by Novartis, dated September 3, 2010, bearing Bates number NPCLSV_LIT003691667.

130. Attached hereto as Exhibit 138 is a true and correct copy of an email produced by Novartis, dated August 1, 2003, bearing Bates number NPCLSV_LIT001753805.

131. Attached hereto as Exhibit 139 is a true and correct copy of an email produced by Novartis, dated January 5, 2007, bearing Bates number NPCLSV_LIT001996237.

132. Attached hereto as Exhibit 140 is a true and correct copy of excerpts of the transcript of the deposition of Mark Hennion, dated October 25, 2016.

133. Attached hereto as Exhibit 141 is a true and correct copy of an email produced by Novartis, dated November 16, 2010, bearing Bates number NPCLSV_LIT000915471.

134. Attached hereto as Exhibit 142 is a true and correct copy of a document entitled “Chicago Action Plan,” produced by Novartis, bearing Bates number NPCLSV_LIT001021575.

135. Attached hereto as Exhibit 143 is a true and correct copy of a document entitled “Telephonic Interview: Complainant Dr. Boris Glinear,” dated May 9, 2008, produced by Novartis, bearing Bates number NPCLSV_LIT001036353.

136. Attached hereto as Exhibit 145 is a true and correct copy of a document entitled “Business Plan 2005,” produced by Novartis, bearing Bates number NPCLSV_LIT002109660.

137. Attached hereto as Exhibit 146 is a true and correct copy of an email produced by Novartis, dated February 6, 2007, bearing Bates number NPCLSV_LIT002292993.

138. Attached hereto as Exhibit 147 is a true and correct copy of an email produced by Novartis, dated May 3, 2010, bearing Bates number NPCLSV_LIT002296821.

139. Attached hereto as Exhibit 148 is a true and correct copy of an email produced by Novartis, dated April 4, 2007, bearing Bates number NPCLSV_LIT002317728.

140. Attached hereto as Exhibit 149 is a true and correct copy of an email produced by Novartis, dated January 16, 2007, bearing Bates number NPCLSV_LIT002325439.

141. Attached hereto as Exhibit 150 is a true and correct copy of an email produced by Novartis, dated April 12, 2006, bearing Bates number NPCLSV_LIT002333074.

142. Attached hereto as Exhibit 152 is a true and correct copy of an email produced by Novartis, dated April 27, 2005, bearing Bates number NPCLSV_LIT002671883.

143. Attached hereto as Exhibit 153 is a true and correct copy of an email produced by Novartis, dated December 11, 2006, bearing Bates number NPCLSV_LIT003092538.

144. Attached hereto as Exhibit 154 is a true and correct copy of an email produced by Novartis, dated March 29, 2006, bearing Bates number NPCLSV_LIT003753068.

145. Attached hereto as Exhibit 155 is a true and correct copy of an email produced by Novartis, dated May 11, 2007, bearing Bates number NPCLSV_LIT003757134.

146. Attached hereto as Exhibit 157 is a true and correct copy of an email produced by Novartis, dated May 29, 2007, bearing Bates number NPCLSV_LIT004147857.

147. Attached hereto as Exhibit 158 is a true and correct copy of an email produced by Novartis, dated August 2, 2005, bearing Bates number NPCLSV_LIT004205204.

148. Attached hereto as Exhibit 158 is a true and correct copy of an email produced by Novartis, dated July 21, 2005, bearing Bates number NPCLSV_LIT006926860.

149. Attached hereto as Exhibit 160 is a true and correct copy of a document entitled “Meeting & Events: Business Policies and Processes Primer,” produced by Novartis, bearing Bates number NPCLSV_LIT000005597.

150. Attached hereto as Exhibit 161 is a true and correct copy of an email produced by Novartis, dated July 17, 2007, bearing Bates number NPCLSV_LIT002363793.

151. Attached hereto as Exhibit 162 is a true and correct copy of a document entitled “Annual Performance Review,” dated 2008, produced by Novartis, bearing Bates number NPCLSV_LIT002518453.

152. Attached hereto as Exhibit 163 is a true and correct copy of the Eric M. Gaier Expert Report.

153. Attached hereto as Exhibit 165 is a true and correct copy of an email produced by Novartis, dated February 23, 2006, bearing Bates number NPCLSV_LIT005868483.

154. Attached hereto as Exhibit 166 is a true and correct copy of an email produced by Novartis, dated November 28, 2005, bearing Bates number NPCLSV_LIT006398166.

155. Attached hereto as Exhibit 169 is a true and correct copy of an email produced by Novartis, dated January 13, 2008, bearing Bates number NPCLSV_LIT003598725.

156. Attached hereto as Exhibit 170 is a true and correct copy of an email produced by Novartis, dated April 4, 2005, bearing Bates number NPCLSV_LIT001671843.

157. Attached hereto as Exhibit 175 is a true and correct copy of an email produced by Novartis, dated July 20, 2007, bearing Bates number NPCLSV_LIT000213958.

158. Attached hereto as Exhibit 177 is a true and correct copy of a document entitled “OIG June 10 Meeting Notes: Current State Questions / Issues,” produced by Novartis, bearing Bates number NPCLSV_LIT006448682.

159. Attached hereto as Exhibit 178 is a true and correct copy of Defendant Novartis Pharmaceuticals Corporation’s Supplemental Responses and Objections to Plaintiff’s Notice of Deposition Under Fed. R. Civ. P. 30(B)(6), dated March 10, 2017.

160. Attached hereto as Exhibit 180 is a true and correct copy of an email produced by Novartis, dated February 24, 2008, bearing Bates number NPCLSV_LIT003598470.

161. Attached hereto as Exhibit 181 is a true and correct copy of an email produced by Novartis, dated March 22, 2009, bearing Bates number NPCLSV_LIT001344769.

162. Attached hereto as Exhibit 182 is a true and correct copy of a document entitled “Novartis Pharmaceuticals Corporation Compliance Program Effectiveness Review,” dated December 23, 2011, bearing Bates number NPCLSV00017850.

163. Attached hereto as Exhibit 184 is a true and correct copy of a document entitled “OIG Task Force: HCP/O Spend Observations,” produced by Novartis, dated February 25, 2005, bearing Bates number NPCLSV_LIT000083498.

164. Attached hereto as Exhibit 185 is a true and correct copy of an email produced by Novartis, dated April 25, 2006, bearing Bates number NPCLSV_LIT000201827.

165. Attached hereto as Exhibit 186 is a true and correct copy of a document entitled “Congress and Events Project Update Draft Update,” dated April 20, 2006, produced by Novartis, bearing Bates number NPCLSV_LIT000201831.

166. Attached hereto as Exhibit 187 is a true and correct copy of a document entitled “2010 Novartis Ethics Compliance Survey Results,” dated December 22, 2010, produced by Novartis, bearing Bates number NPCLSV_LIT000771537.

167. Attached hereto as Exhibit 188 is a true and correct copy of an email produced by Novartis, dated March 23, 2010, bearing Bates number NPCLSV_LIT000944575.

168. Attached hereto as Exhibit 189 is a true and correct copy of a document entitled “Talking Points for Budget: E&C Audits and Investigations,” dated 2010, produced by Novartis, bearing Bates number NPCLSV_LIT000944577.

169. Attached hereto as Exhibit 190 is a true and correct copy of a document entitled “Draft Report: Audit of Sales Representative Interactions with Healthcare Professionals,” dated June 23, 2009, produced by Novartis, bearing Bates number NPCLSV_LIT001185049.

170. Attached hereto as Exhibit 191 is a true and correct copy of a document entitled “2008 Audit of Sales Representatives Interactions with Healthcare Professionals,” dated March 25, 2009, produced by Novartis, bearing Bates number NPCLSV_LIT001591473.

171. Attached hereto as Exhibit 192 is a true and correct copy of a document entitled “2006 Novartis Ethics Compliance Survey,” dated October, 2006, produced by Novartis, bearing Bates number NPCLSV_LIT001871484.

172. Attached hereto as Exhibit 193 is a true and correct copy of a document entitled “Operations Audit Report,” dated August 6 to 24, 2007, produced by Novartis, bearing Bates number NPCLSV_LIT001949230.

173. Attached hereto as Exhibit 194 is a true and correct copy of a document entitled “Corporate Security Investigation Report: Alleged Fraud in the Tom River POD,” dated May 8, 2008, produced by Novartis, bearing Bates number NPCLSV_LIT003461575.

174. Attached hereto as Exhibit 195 is a true and correct copy of a document entitled “2007 Novartis Ethics Compliance Survey,” dated February 6, 2008, produced by Novartis, bearing Bates number NPCLSV_LIT003598583.

175. Attached hereto as Exhibit 196 is a true and correct copy of a document entitled “Corporate Security Investigation Report: Sales Representative Brent (Ben) Watson Speaker Fraud Case,” dated May 18, 2007, produced by Novartis, bearing Bates number NPCLSV_LIT003602748.

176. Attached hereto as Exhibit 198 is a true and correct copy of a document entitled “2009 Novartis Ethics Compliance Survey,” dated August 11, 2009, produced by Novartis, bearing Bates number NPCLSV_LIT006637453.

177. Attached hereto as Exhibit 199 is a true and correct copy of a document entitled “Operationalizing the OIG Guidelines,” dated July 28, 2003, produced by Novartis, bearing Bates number NPCLSV_LIT006778114.

178. Attached hereto as Exhibit 200 is a true and correct copy of a document entitled “Questions Received at the National Managers’ Meeting,” dated December 12-13, 2007, produced by Novartis, bearing Bates number NPCLSV_LIT006868844.

179. Attached hereto as Exhibit 201 is a true and correct copy of an email produced by Novartis, dated November 6, 2007, bearing Bates number NPCLSV_LIT007057674.

180. Attached hereto as Exhibit 202 is a true and correct copy of a document entitled “Annual Ethics and Compliance Report to the Board,” dated November 6, 2007, produced by Novartis, bearing Bates number NPCLSV_LIT007057690.

181. Attached hereto as Exhibit 203 is a true and correct copy of a document entitled “Annual Performance Review: Mary Putenis,” dated 2004, produced by Novartis, bearing Bates number NPCLSV_LIT012425768.

182. Attached hereto as Exhibit 205 is a true and correct copy of a document entitled “Novartis Pharmaceuticals Corporation Board of Directors Ethics & Compliance Update,” dated June 21, 2007, produced by Novartis, bearing Bates number NPCLSV00022651.

183. Attached hereto as Exhibit 207 is a true and correct copy of an email produced by Novartis, dated January 15, 2008, bearing Bates number NPCLSV_LIT006815186.

184. Attached hereto as Exhibit 208 is a true and correct copy of an email produced by Novartis, dated February 26, 2006, bearing Bates number NPCLSV_LIT004281569.

185. Attached hereto as Exhibit 211 is a true and correct copy of an email produced by Novartis, dated September 19, 2006, bearing Bates number NPCLSV_LIT002608766.

186. Attached hereto as Exhibit 213 is a true and correct copy of an email produced by Novartis, dated February 20, 2003, bearing Bates number NPCLSV_LIT003057818.

187. Attached hereto as Exhibit 217 is a true and correct copy of an email produced by Novartis, dated June 10, 2005, bearing Bates number NPCLSV_LIT004254117.

188. Attached hereto as Exhibit 218 is a true and correct copy of an email produced by Novartis, dated July 21, 2005, bearing Bates number NPCLSV_LIT006926860.

189. Attached hereto as Exhibit 221 is a true and correct copy of an email produced by Novartis, dated January 10, 2007, bearing Bates number NPCLSV_LIT003811157.

190. Attached hereto as Exhibit 222 is a true and correct copy of an email produced by Novartis, dated October 23, 2007, bearing Bates number NPCLSV_LIT000945907.

191. Attached hereto as Exhibit 223 is a true and correct copy of the 2010 Settlement Agreement, bearing Bates numbers NPCLSV_LIT012437205-9935.

192. Attached hereto as Exhibit 224 is a true and correct copy of a document entitled “Events NEC Data Entry for Dual Content/Multi Speaker Events,” dated May 8, 2007, produced by Novartis, bearing Bates number NPCLSV_LIT003697581.

193. Attached hereto as Exhibit 226 is a true and correct copy of the deposition of MeiHsiu Lin, dated October 28, 2016.

194. Attached hereto as Exhibit 227 is a true and correct copy of the Defendant Novartis Pharmaceuticals Corporation’s Supplemental Responses and Objections to Plaintiff’s Notice of Deposition under Fed. R. Civ. P. 30(B)(6), dated March 10, 2017.

195. Attached hereto as Exhibit 228 is a true and correct copy of an email produced by Novartis, dated April 7, 2005, bearing Bates number NPCLSV_LIT001215752.

196. Attached hereto as Exhibit 229 is a true and correct copy of an email produced by Novartis, dated August 30, 2004, bearing Bates number NPCLSV_LIT001427422.

197. Attached hereto as Exhibit 232 is a true and correct copy of an email produced by Novartis, dated August 11, 2004, bearing Bates number NPCLSV_LIT000985654.

198. Attached hereto as Exhibit 233 is a true and correct copy of an email produced by Novartis, dated March 28, 2008, bearing Bates number NPCLSV_LIT001516321.

199. Attached hereto as Exhibit 234 is a true and correct copy of an email produced by Novartis, dated May 14, 2007, bearing Bates number NPCLSV_LIT001230218.

200. Attached hereto as Exhibit 235 is a true and correct copy of an email produced by Novartis, dated November 5, 2007, bearing Bates number NPCLSV_LIT001518495.

201. Attached hereto as Exhibit 236 is a true and correct copy of a document entitled “Tekturna Promotional Medical Education KOL Teleconferences,” produced by Novartis, bearing Bates number NPCLSV_LIT001637101.

202. Attached hereto as Exhibit 237 is a true and correct copy of an email produced by Novartis, dated January 6, 2009, bearing Bates number NPCLSV_LIT001013063.

203. Attached hereto as Exhibit 238 is a true and correct copy of an email produced by Novartis, dated May 30, 2007, bearing Bates number NPCLSV_LIT001996771.

204. Attached hereto as Exhibit 239 is a true and correct copy of an email produced by Novartis, dated March 5, 2008, bearing Bates number NPCLSV_LIT001376491.

205. Attached hereto as Exhibit 240 is a true and correct copy of an email produced by Novartis, dated June 12, 2006, bearing Bates number NPCLSV_LIT006732601.

206. Attached hereto as Exhibit 241 is a true and correct copy of an email produced by Novartis, dated May 17, 2007, bearing Bates number NPCLSV_LIT001181604.

207. Attached hereto as Exhibit 242 is a true and correct copy of an email produced by Novartis, dated July 31, 2007, bearing Bates number NPCLSV_LIT001153637.

208. Attached hereto as Exhibit 243 is a true and correct copy of an email produced by Novartis, dated November 17, 2004, bearing Bates number NPCLSV_LIT005502262.

209. Attached hereto as Exhibit 244 is a true and correct copy of an email produced by Novartis, dated July 14, 2007, bearing Bates number NPCLSV_LIT002045896.

210. Attached hereto as Exhibit 245 is a true and correct copy of an email produced by Novartis, dated March 7, 2006, bearing Bates number NPCLSV_LIT002319397.

211. Attached hereto as Exhibit 246 is a true and correct copy of an email produced by Novartis, dated May 16, 2005, bearing Bates number NPCLSV_LIT002641763.

212. Attached hereto as Exhibit 247 is a true and correct copy of an email produced by Novartis, dated June 12, 2007, bearing Bates number NPCLSV_LIT002853076.

213. Attached hereto as Exhibit 248 is a true and correct copy of an email produced by Novartis, dated May 6, 2007, bearing Bates number NPCLSV_LIT4051356.

214. Attached hereto as Exhibit 249 is a true and correct copy of an email produced by Novartis, dated July 28, 2007 bearing Bates number NPCLSV_LIT00375164.

215. Attached hereto as Exhibit 258 is a true and correct copy of Government Proposal re Sales Representative/Manager Search Terms, dated December 29, 2015.

216. Attached hereto as Exhibit 259 is a true and correct copy of The Government's Third Set of Requests for Production of Documents and Second Set of Interrogatories.

217. Attached hereto as Exhibit 260 is a true and correct copy of The Government's First Set of Requests for Documents and Interrogatories.

218. Attached hereto as Exhibit 261 is a true and correct copy of The Government's Second Set of Requests for Production of Documents.

219. Attached hereto as Exhibit 262 is a true and correct copy of the Government's Notice of Deposition Under Fed.R.CIV.P.30 (B)(6).

220. Attached hereto as Exhibit 263 is a true and correct copy of a document entitled, "Lotrel/Diovan – USMM – NPPM," dated April 5, 2005, produced by Novartis, bearing Bates number NPCLSV_LIT002210739.

221. Attached hereto as Exhibit 264 is a true and correct copy of a document entitled, "Ethics and Compliance Policies – Sales version," dated January 2006, produced by Novartis, bearing Bates number NPCLSV_LIT000027595.

222. Attached hereto as Exhibit 265 is a true and correct copy of an email, produced by Novartis, dated March 20, 2005, bearing Bates number NPCLSV_LIT002597487.

223. Attached hereto as Exhibit 266 is a true and correct copy of excerpts of the transcript of the deposition of Dr. Ramon Mendez, dated December 7, 2016.

224. Attached hereto as Exhibit 267 is a true and correct copy of the Novartis Healthcare Compliance Guidelines, dated September 2004, bearing Bates number NPCLSV_LIT000114745.

225. Attached hereto as Exhibit 268 is a true and correct copy of excerpts of the transcript of the deposition of Dr. Matthew Mintz, dated January 24, 2018.

226. Attached hereto as Exhibit 269 is a true and correct copy of a document entitled, "Ethics & Compliance Policies," dated October 2008, produced by Novartis, bearing Bates number NPCLSV_LIT003327984.

227. Attached hereto as Exhibit 270 is a true and correct copy of an email, dated July 19, 2005, produced by Novartis, bearing Bates number NPCLSV_LIT003488577.

228. Attached hereto as Exhibit 271 is a true and correct copy of an email produced by Novartis, dated May 21, 2003, bearing Bates number NPCLSV_LIT005560978.

229. Attached hereto as Exhibit 272 is a true and correct copy of an email produced by Novartis, dated July 12, 2006, bearing Bates number NPCLSV_LIT005889099.

230. Attached hereto as Exhibit 273 is a true and correct copy of an email produced by Novartis, dated March 11, 2005, bearing Bates number NPCLSV_LIT007118841.

231. Attached hereto as Exhibit 274 is a true and correct copy of excerpts of the transcript of the deposition of Noah Puckowitz, dated December 8, 2016.

232. Attached hereto as Exhibit 275 is a true and correct copy of excerpts of the transcript of the deposition of Dr. Suad Ismail, dated November 29, 2016.

233. Attached hereto as Exhibit 276 is a true and correct copy of a document produced by Novartis, bearing Bates number NPCLSV_LIT003570531.

234. Attached hereto as Exhibit 277 is a true and correct copy of an email produced by Novartis, dated November 11, 2005, bearing Bates number NPCLSV_LIT001366382.

235. Attached hereto as Exhibit 278 is a true and correct copy of an email produced by Novartis, dated January 2, 2007, bearing Bates number NPCLSV_LIT006559175.

236. Attached hereto as Exhibit 279 is a true and correct copy of a document produced by Novartis, bearing Bates number NPCLSV_LIT001137385.

237. Attached hereto as Exhibit 280 is a true and correct copy of a document produced by Novartis, bearing Bates number NPCLSV_LIT007268335.

238. Attached hereto as Exhibit 281 is a true and correct copy of a document produced by Novartis, bearing Bates number NPCLSV_LIT007257894.

239. Attached hereto as Exhibit 282 is a true and correct copy of a document produced by Novartis, bearing Bates number NPCLSV_LIT007976895.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
August 29, 2018

/s/ Christopher Harwood
Christopher Harwood